

## R E M A R K S

Claims 1-10 currently remain in the application. None of the claims is herein amended.

The matter of drawings described in Paragraph 1 of the Official Letter is addressed by submitting herewith a replace sheet, as required. This is believed to be appropriately responsive.

Claims 1-10 were rejected under 35 U.S.C. 102 as being anticipated by Jasper. Rejection of a claim under 35 U.S.C. 102 is justified only when each of the inventive elements in that claim is disclosed in one reference. Jasper does not disclose every inventive element in claims 1-10, and hence it is believed that the Examiner's rejection of claims 1-10 is not justified and hence should be reversed.

For claims 1-3, the Examiner stated, for example, that Jasper teaches "a lithographic projection apparatus 100 that comprises: .... a firsts measuring station 10L and a second measuring station 10R that include wafer height sensors (11L and 11R, respectively), ...." Claims 1-3 require not only that there be a first measuring station and a second measuring station but also that these two measuring stations be arranged oppositely with respect to the projection station (page 11, lines 9-10). This means that there are two measuring stations that not only have different functions but are also physically separated. Jasper discloses a single measuring station that is referred to either as a measuring system or a measurement station and indicated as MS (column 5, lines 49-51). In other words, Jasper's single measuring station MS (shown in Fig. 1) may be operated so as to carry out both the functions of the first and second measuring stations 10L and 10R of claims 1-3 herein but cannot be said to be arranged oppositely with respect to any single projection station. Nowhere else (other than Fig. 1) does Jasper disclose any lithographic projection apparatus provided with two or more physically separate measuring stations functioning like the measurement station MS. Since an apparatus having only one measuring station cannot be said to anticipate any apparatus having two physically separate measuring stations (even if they could carry out equivalent processes), it should be concluded that Jasper fails to predicate the Examiner's rejection on ground of anticipation. Moreover, since an apparatus having two physically separate measuring stations cannot be said to be obvious in view of any apparatus having no more than a single measuring station, it must be concluded in the

absence of any statement regarding any advantage to be gained by replacing the single measuring station with two or more physically separated measuring stations, it should also be concluded that Jasper cannot predicate the rejection of claims 1-3 even on the ground of obviousness.

For claim 4 which is a method claim, applicant's argument is similar to what was given above for claims 1-3 because the Examiner again incorrectly quotes Jasper as teaching the step of providing both a first measuring station 10L and a second measuring station 10R (lines 4 and 5 of Paragraph 4 in page 3 of the Official Letter) while the fact is, as explained above, Jasper shows only one measuring system MS (in Fig. 1) and nowhere discloses any apparatus having two separate measuring stations.

For claim 5 which is addressed to a lithography system, applicant's argument is similar, that is, the Examiner cites Jasper incorrectly in line 5 et seq. of Paragraph 5 in page 4 of the Official Letter as describing a lithography system comprising both a first measuring station and a second measuring station that are arranged oppositely although Jasper clearly shows only one measuring system MS in Fig. 1, nowhere disclosing any apparatus having two separate measuring stations, much less a pair of measuring stations arranged oppositely with respect to a projection station.

As for claims 6-10, although they are all independent claims, they all relate to claim 5 and inherit limitations that are on claim 5. Since claim 5 is clearly not anticipated and not even obvious over Jasper, as explained above, the inevitable conclusion is that Jasper also fails to predicate the Examiner's rejection thereof.

In summary, it is believed that the present Amendment is totally responsive to the Office Action and hence that the application is now in condition for allowance.

Respectfully submitted,

  
Keiichi Nishimura  
Registration No. 29,093

January 5, 2006  
BEYER WEAVER & THOMAS, LLP  
500 12th Street, Suite 200  
Oakland, California 94607  
Telephone: (510) 663-1100  
Telefax: (510) 663-0920